

CLERKS OFFICE U.S. DIST. COURT
AT ABINGDON, VA
FILED

May 8, 2024

LAURA A. AUSTIN, CLERK
BY: s/ FELICIA CLARK
DEPUTY CLERK

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
ABINGDON DIVISION

UNITED STATES OF AMERICA,

v.

NICHOLAS ALEXANDER
COURTNEY,

Defendant.

) Case No. 1:23-cr-024

) By: Michael F. Urbanski
) Chief United States District Judge

ORDER

This matter was referred to the Honorable Pamela Meade Sargent, United States Magistrate Judge, pursuant to 28 U.S.C. § 636(b)(3), for the purpose of conducting a plea hearing and a plea colloquy under Rule 11 of the Federal Rules of Criminal Procedure and preparing proposed findings of fact and a recommendation as to the acceptance of such plea as tendered. The Magistrate Judge filed a Report and Recommendation on April 9, 2024, recommending that defendant's plea of guilty be accepted. ECF No. 216. No objections to the Report and Recommendation have been filed.¹

Following review, the court **ADOPTS** factual findings 1 through 4 and the recommendation on page 8 of the Report and Recommendation. The court accepts defendant's guilty plea to the lesser included offense contained in Count One of the Indictment. However, because defendant's Plea Agreement is subject to Rule 11(c)(1)(C) of the Federal Rules of Criminal Procedure, the Plea Agreement is **TAKEN UNDER ADVISEMENT** until completion of the Presentence Report and sentencing.

¹ On April 12, 2024, Magistrate Judge Sargent amended the Report and Recommendation to reflect that certain events giving rise to this case occurred on August 4, 2022, not August 4, 2024. See Order, ECF No. 223.

The Clerk is directed to send a certified copy of this Order to all counsel of record.

It is **SO ORDERED.**

Entered: May 6, 2024



Michael F. Urbanski
Chief United States District Judge